

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARK N. FELLEENZ,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-10563-PBS
)	
ENKATA TECHNOLOGIES,)	
Defendant.)	

ORDER DIRECTING ISSUANCE OF SUMMONS

In an order dated April 27, 2004, I denied plaintiff Mark Fellenz's application to proceed without prepayment of fees and ordered him to pay the filing fee within 35 days. On May 14, 2004, Fellenz paid the filing fee, but the Clerk did not issue a summons for the defendant. Cf. Fed. R. Civ. P. 4(b).

A review of the docket also indicates that Fellenz has filed five "amendments" to the complaint but has failed to request leave to do so after filing the first amendment. Fed. R. Civ. P. 15(a) (party may amend party's pleading once as a matter of course at any time before a responsive pleading is served; otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party).

ACCORDINGLY, the Clerk shall issue a summons for the defendant, and I will enlarge plaintiff's time to effect service of the summons, the complaint, and the first amendment to the complaint to a date 120 days from the date of this order. See Fed. R. Civ. P. 4(m) (court, on its motion, may

enlarge the time to effect service). Fellenz shall review Federal Rule of Civil Procedure 15, and shall either file a motion concerning the remaining amendments to his complaint, or seek the written consent of the defendant concerning the filing the amendments after the defendant has been served.

SO ORDERED.

Dated at Boston, Massachusetts, this 2nd day of August, 2004.

s/ Patti B. Saris

PATTI B. SARIS

UNITED STATES DISTRICT JUDGE